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# PERSONNEL AND THE CIVIL SERVICE

BY JOHN M. GAUS

Constitute government how you please; infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state.—Burke, *Thoughts on the Present Discontents*.

EDMUND BURKE, when he wrote *Thoughts on the Present Discontents*, had in mind a particular political situation,—the relations of George III to the ministry and to Parliament,—but his idea has a significance for our own political problems. Stated briefly, our Governments to-day—Federal, State and Local—are performing many new functions, and functions which cannot, from their nature, be nicely and adequately adjusted and controlled by legislative statute. They require, for successful administration, prudent and upright civil servants; and again, these civil servants must be given wide discretion to apply the general principle which alone can be enacted into fixed law. It is this fact which creates a new civil service problem for our generation, and it is this fact which is behind the discussion and adoption of such technical projects as classification of positions and salary standardization. An administrator like the Budget Director, General Dawes, with his Federal Personnel Board, is after all an attempt to apply some of the implications of Burke's penetrating comment.

But it is a fact which, as a nation, we have not comprehended. The movement for Civil Service Reform of the 'seventies and 'eighties, which had such leaders as George William Curtis and Carl Schurz, was essentially moral and political in its aims, rather than administrative. It represented the hatred of the true democrat of the abuse of the ballot and of the party system which existed. For obviously the use of appointment to office as a means of securing party funds, and the use of the party for securing appointments, prevented the free expression of opinion

even within the narrow limits of the party system. The result of these practises upon the personnel of the Government was, of course, noticed and deplored. But the chief attack was centered rather upon the way in which the function of the citizen as a voter and party member was distorted and debauched.

But since the 'eighties, the functions of government have greatly increased in number and changed in nature. A Commonwealth like Massachusetts employs over 10,000 people, in over one hundred different trades and professions. The civil servants of the Federal Government are over half a million in number. Their duties—the duties of those, let us say, in a State Workmen's Compensation Department, a Public Utilities Department, a Health Department, or, at Washington in the Bureau of Standards or the United States Employment Service—require a freedom from too detailed statutory control, a wide measure of discretion, and a cultural and technical training. Lord Haldane in his evidence before the Royal Commission on the Coal Mines (republished in this country by the Dunster House Bookshop as *The Problem of Nationalization*) has outlined the implications of this new status of the civil servant in the future, when great industries may be administered by public agencies. As an administrative problem the new place of the Civil Service needs to be reconsidered and adequate provision made.

The status of the Civil Service is not only a pressing administrative problem, it is also a large factor in our governmental budgets. The means whereby salaries adequate for securing properly trained civil servants are to be secured through legislative financial control needs also to be provided in any even tentative solution of the civil service problem. The popular impression is that the chief issue here is the overpayment of the Civil Service. Actually we are confronted with the fact that the Civil Service does not offer a promising career to able men and women, not alone for the lack of relatively open opportunities for assuming initiative but also because of inadequate salaries and the lack of system in appropriations. This inevitably is reflected in the kind of service which our financial outlay purchases. The adoption of such direct taxation as the income tax has caused an even sharper scrutiny by legislative committees of the appropriations

for services requiring the employment of civil servants of great technical training and administrative equipment, who are least accustomed to organizing in self-defence and using methods which the lesser skilled workers have used to their own advantage. There is, also, the lack of any objective standard of salary by which even the most well-intentioned committees can properly appraise the value of various employments and positions, and in the rough and tumble of appropriations the more numerous but less skilled are favored.

The new status of the Civil Service causes a third difficulty. The increase in the volume and the nature of the relations between government and citizen brings into clearer view the problem of the legal liability of the State for the official acts of its civil servants. The civil servant is himself—for those acts—ordinarily liable before the courts. But it is increasingly evident that many times justice cannot be done, either to the individual who has been wronged by an act of a civil servant who has been honestly attempting to execute the law, or to the civil servant himself. The establishment of special administrative tribunals which recognize the inherent liability of the State to a more careful scrutiny of private claims evidences our growing recognition of this problem. Furthermore, our courts are for the most part ill-equipped to review and set aside decisions in complicated and technical matters which have been made by administrative authorities. This is in part recognized by the admission by the courts of a province for final administrative action under the “separation of powers” theory, in part by a reluctance to review questions of fact rather than law. Yet the line between the latter two is vacillating and fluctuating, and is frequently moved in a direction that seriously hampers the execution of a social policy which the other departments of government have accepted.

Finally, the existence of hundreds of thousands of civil servants raises the problem of the relation of the State to its employees. How may their loyalty and energy be best recruited to the valid purposes of the State? With what organization may there be best erected channels of communication through which their collective desires or grievances may be most justly dealt

with? How may their contributions to the service, their initiative, be focused and not inhibited?

These problems—the recruitment of educated civil servants, the payment of adequate salaries, their relation in their acts to the citizen, and their relation to the State—constitute the outstanding challenge to our political ability. They constitute, incidentally, the subject matter of a school of research in administration.

What is needed to secure a Civil Service adequate to the new problems outlined above? What are the minimum qualities which the Civil Service as a profession must possess? They are, I think, four; the opportunity for a career open to ability and effort; the opportunity for taking initiative and responsibility, adequate protection for the rights of the citizens being assured; adequate salaries, pensions and physical working conditions; and opportunity for representing and expressing the point of view of the Civil Service before administrative and legislative bodies.

It will be impossible for us to secure able men and women for the Civil Service unless we can offer them opportunity for progress and advancement within the service on the basis of their capacity and seniority. This cannot exist, of course, if at any point in the service appointments may be made not for these qualifications but rather for party contributions or services. This has been in some measure eliminated in the lower posts. But unless higher posts—for example, at Washington, Bureau Chiefs and Assistant Secretaryships of Departments—are also open as a reward for ability within the service, there is stagnation which reaches down to lower levels as one blocked train will hold up all others behind it. The values returned to the service when such appointments are made are well presented in Mr. Lowry's portrait of Assistant Secretary of State Adee, in *Washington Close-Ups*.

It is clear that to attract men capable of developing a career in the service there must be adequate salary arrangements. Salaries cannot, of course, for the higher posts, approach the salaries of executives in great business houses, although the task

of the civil servant is more difficult, because salaries of business executives are larger than the community, as a whole, would approve. In the lower grades of work requiring practically no skill and only physical ability, a wage adequate to a healthy standard of living for a family of five in the locality should be the minimum. There are various training positions which would have to be excepted. For higher administrative posts and for technical positions perhaps a fair standard would be the salaries and retirement arrangements of the faculties and chief administrative officers of leading universities and colleges. This is not the place to discuss the details of salary standardization; it is important that the need for objective standards of payment whereby shifting legislative committees can come to appraise approximately the salary items fairly with some realization of their relation to adequate Civil Service personnel, be admitted and recognized.

The quality which sets off the Civil Service from ordinary employment is a sense of sharing in a corporate life, a sense similar to that of the minister or the college teacher. That is too rich, too valuable a part of the service to be ignored or deliberately crushed. It should, on the other hand, be encouraged and given a channel for expression. It is significant that such organizations as the Society of Civil Servants in England and the National Federation of Federal Employees in this country are thinking not only about matters of salary, leave and pension, but administrative reorganization and the study of the history and development of public services. In short, they are developing not merely a professional but a cultural approach to their work. There are, too, many questions concerning which their opinion and their judgment should be consulted as a matter of justice and intelligence—questions of physical working conditions, including salaries and pensions; questions of discipline; and questions of procedure and organization. Without some representation of the interests of the rank and file of the Civil Service, there is bound to be not merely discontent but a waste of valuable experience which should be at the disposal of the State.

The admission of the need for opening up avenues for a career in the Civil Service, adequate salary and retirement provisions,

the recognition of the corporate character of the service—these are fairly obvious basic facts in the governmental personnel problem. But one must include in even a very brief survey a notice of the relation between the civil servant and the citizen where it is affected by judicial action. With the great extension of governmental control, the individual citizen needs more adequate relief from injury done by a civil servant. Many years ago the Supreme Court of Massachusetts in *Commonwealth vs. Sisson* (189 Mass. 247) stated that for many acts of administrative bodies (when performing “legislative” functions), relief could be had only by appeal to the legislature. Again, the ordinary relief is to be had from and through the courts. Either of these methods may be expensive and slow; and in the end, the individual civil servant may be unable to give any adequate compensation to the citizen. Furthermore, the civil servant may have committed an injury in honest discharge of his duties, or of the orders of superiors, in which case there is a real injustice in requiring him to pay damages. All of these facts point to the usefulness of a system such as that of France and Germany, where cases involving the administrative agencies are tried in special administrative courts, where litigation is cheap and reasonably expeditiously handled. Remedy is obtained from the State itself, and the State may then discipline the civil servant for his acts which caused the wrong. This furthermore raises the issue of the wisdom of permitting the ordinary courts to review the decisions of administrative agencies on technical matters—a review that does much to block or to stultify the efforts of able public servants in coping with problems of social control.

The problem of the personnel through which our social policies shall be applied has become acute, therefore, not only because of the extension of the use of the State as an agency of social control, but also because of the nature of the problems confronting the State—problems requiring great administrative skill and knowledge and discretion and judgment. To meet these difficulties certain minimum needs of our personnel organization must be recognized and provided for—the recognition of ability as the basis of service, up to the posts directly under the political officials; freedom from legislative and judicial interfer-

ence in matters of detail or requiring expert knowledge, with safeguards for individual rights; adequate compensation, and representation of the interests of the civil servant.

To secure these minimum requirements new devices and arrangements are necessary, striking at the essence of governmental organization.

Very important results may be expected of measures which were initiated at Washington last winter for reorganizing the personnel administration of the Federal Government. On December 23 Mr. Dawes, Director of the Bureau of the Budget, issued Circular Number 52, establishing the Federal Personnel Board. This Board, under the Chairmanship of the President of the United States Civil Service Commission, is composed of a personnel representative of each department and independent establishment. Its duties are "to formulate policies and plans designed to place the personnel administration of the Federal Government abreast of the best practise in private enterprise, with due regard to the peculiarities of the public service." The details of its programme include a study of examinations, service records, promotions, training, retirement, and similar problems. This is one of the most promising steps in advance yet taken by the Federal Government and should be productive of good.

Also during December the Lehlbach Bill (H. R. 8928) passed the House and went to the Senate Committee on the Civil Service. This bill provides for a reclassification of the service on the basis of duties and functions and qualifications of the Federal employees at Washington, by the department heads subject to the review of the Bureau of the Budget. The Civil Service Commission and the Bureau of Efficiency are authorized at the same time to assist in the administration of the act. Of more dubious value is the inclusion in the act of standard salary schedules for each grade of each service. In the administration of personnel classifications in such States as Massachusetts, where in recent years reclassification measures have been adopted successfully, the fixing of salary rates has been left with the budget-making authorities, to permit the desirable flexibility of administration. It has been stated, however, that the practise of statutory fixing of salary rates was demanded by Congress because of its jealousy



of financial control over administration. In any event, the principle of a standard classification of all governmental positions at Washington is being recognized, and this is the necessary first step to any really sound personnel system. The Lehlbach Bill is largely based on the report of the Joint Committee on Reclassification. This Commission was aided by committees representative of the rank and file of the Civil Service as well as of the higher administrative authorities. It should be noted that many States, Massachusetts, New York, New Jersey, Ohio, Illinois and others, and a number of our cities have already undertaken reclassification studies. Their experience is a valuable basis for further advance toward solving difficult personnel problems.

Discussion of the issues raised by President Harding's dismissal of employees in the Bureau of Engraving in the Treasury Department suggests that too many continue to regard the personnel problem of the Government as political, and fail to recognize the new character of the public employment problem. Social policy enacted into law to-day to be effective requires a delicate and elaborate administrative organization; and such organization is dependent, in the last analysis, upon a substantial group of voters and party members who agree, regardless of other issues, upon the necessity of providing for a satisfactory career for men and women of ability in the Civil Service.

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